

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CONRADO DEPAZ ARELLANO, §
§
Movant, §
§
v. § **CIVIL ACTION NO. 6:21-CV-00072-JDK**
§ **(CRIM. NO. 6:17-CR-0060-1)**
UNITED STATES OF AMERICA, §
§
Respondent. §

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This action was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636. On November 16, 2022, the Magistrate Judge issued a Report and Recommendation recommending that the motion to vacate or correct federal sentence under 28 U.S.C. § 2255 be dismissed with prejudice. The Report further recommended that a certificate of appealability be denied sua sponte. Docket No. 10.

On December 5, 2022, Movant moved for an extension of time to file objections to the Report and Recommendation. Docket No. 11. The Magistrate Judge granted the motion and allowed Movant to file his objections on or before January 6, 2023. Docket No. 12. As of the date of this Order, Movant has not filed any objections to the Report.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415,

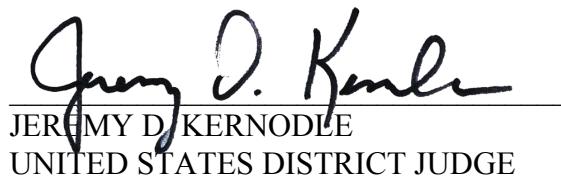
1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Movant did not file objections in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendation, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. The Court therefore **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 10) as the findings of this Court. It is therefore

ORDERED that the motion to vacate or correct federal sentence is **DISMISSED WITH PREJUDICE**. A certificate of appealability is **DENIED** sua sponte.

So **ORDERED** and **SIGNED** this **12th** day of **January, 2023**.



JEREMY D. KERNODE
UNITED STATES DISTRICT JUDGE